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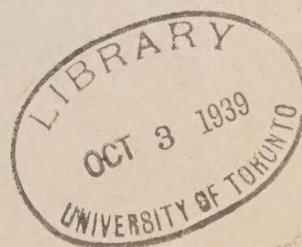
Norman MacKenzie

# DEPARTMENT OF LABOUR, CANADA

HON. W. A. GORDON, MINISTER OF LABOUR

## INTERNATIONAL LABOUR CONFERENCE (LEAGUE OF NATIONS)

Laws of Canada and its Provinces Bearing on the Various Draft  
Conventions and Recommendations of the Conference.



March, 1932.





Laws of Canada and its Provinces Bearing on the Various  
Draft Conventions and Recommendations of the Conference.

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The present memorandum indicates the extent to which the proposals contained in the various Draft Conventions and Recommendations of the International Labour Conference are met by existing legislation in Canada.

DRAFT CONVENTION LIMITING THE HOURS OF WORK IN INDUSTRIAL  
UNDERTAKINGS TO EIGHT IN THE DAY AND FORTY-EIGHT IN THE  
WEEK.

The object of this Draft Convention is to secure the adoption of a maximum working day of eight hours and week of forty-eight hours for persons employed in public or private industrial undertakings. Certain exceptions to this proposed rule are noted in the text of the Draft Convention. This Convention applies to mines and quarries, manufactures, building and construction and transportation. The competent authority in each country is left to define the line of division which separates "industry" from commerce and agriculture. Legislative jurisdiction touching the subject matter of this Convention is primarily vested in the provinces.

The Convention is partly met, in regard to persons engaged in work for the Dominion Government, by the Fair Wages and Eight Hour Day Act (1930, C. 20) which provides for an eight hour day except in special cases or in emergencies; also by an Order in Council of March 27, 1930. The Fair Wage Policy of the Government of Canada had been set forth in an Order in Council, of June 7, 1922 (P.C. 1206), based on a resolution passed by the House of Commons in 1900, which laid down the principle that the hours of labour on Dominion public works should be those fixed by the custom of the trades concerned in the district in which the work is performed or otherwise "fair and reasonable hours".

Most of the provinces, by means of factory, shop, minimum wage, or other legislation, have established the eight-hour day or forty-eight hour week for female employees and young persons, and the mining acts for several provinces limit to eight hours the working day of miners working underground. In British Columbia the eight-hour day has been applied by Statute to the operation of industrial undertakings, except agriculture, horticulture and dairying.

Provincial legislation which already operates in the direction sought by the Convention is as follows:

In Nova Scotia an Act was passed in 1919 authorizing the Governor in Council to appoint a commission of inquiry respecting an eight-hour day, but no such commission has since been appointed. The Coal Mines Regulation Act (1927, chapter 1) provides that a workman shall not be at his working place below ground for more than eight hours in any consecutive twenty-four hours. An eight hour day with four hours on Saturdays, is provided under the Children's Protection Act (R.S. 1923, C. 166) for girls under 16 and boys under 14 employed in shops. The Minimum Wage Act of 1920, gives the Minimum Wage Board the power to establish standards of hours of employment for female workers in factories and shops.







In Prince Edward Island there is no limitation, statutory or by regulation, of working hours.

In New Brunswick no legislation in this direction appears to have been enacted.

In Quebec a week of forty-eight hours is fixed under the Mines Regulation Act for boys between the ages of 15 and 17 years who are employed underground in mines.

In Ontario, miners except a few with exceptional occupations, are not permitted to remain underground for more than eight hours in any consecutive twenty-four hours reckoned from the time of arrival at their place of work.

In Manitoba, orders issued under the Minimum Wage Act, which applies to female employees and to boys under 18 years of age, fix a forty-eight hour week for workers in most factories, and the forty-four hour week for office-workers. A forty-four hour week in connection with provincial public works is also fixed for several trades under authority of the Fair Wage Act; this rule applying to bricklayers, stonemasons, plasterers, plumbers, painters, blacksmiths, carpenters and other occupations. An amendment of the Mines Act permits the making of regulations by the Lieutenant-Governor in Council setting the maximum number of working hours.

In Saskatchewan a forty-eight hour week is fixed under the Factories Act for women, boys under 16, and girls under 18 years, who are employed in factories. The same limit has been fixed by the Minimum Wage Board for female workers in offices and factories, laundries, etc.

In Alberta the eight-hour limit is fixed for miners working underground, the working period including the time occupied in going to and from work. Orders recently issued by the Minimum Wage Board limit the working week to forty-eight hours in factories, laundries, restaurants, and in personal service occupations, but in emergencies the working period may be temporarily extended.

In British Columbia the Hours of Work Act (R.S. 1924, C.107) which went into effect on January 1, 1925, establishes an eight-hour day and a forty-eight hour week in the principal industries of the Province with the exception of dairying, agriculture and horticulture. A different arrangement of daily hours may be made by agreement. Exemptions within certain definite limits may also be granted by the Board of Adjustment appointed under the Act. A law with provisions resembling those of the above was enacted in 1921, but never became operative, being contingent upon the passing of similar laws in the other provinces. Apart from this legislation, the eight-hour day and forty-eight hour week is enforced in respect to women and young girls employed in factories; and a "basic week" of the same length is fixed by regulations of the Minimum Wage Board to apply to women employed in offices, in personal service, laundries, dyeing and dry-cleaning establishments, as ushers in theatres, etc., and in factories except where overtime is allowed under the Factories Act. The eight-hour day is also provided for underground mine workers, this



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period to be reckoned from bank to bank. A similar provision is made for persons employed about a smelter, coke-oven, etc.

In Yukon Territory the eight-hour day applies to workmen employed on public works.

#### DRAFT CONVENTION CONCERNING UNEMPLOYMENT.

The principal object of this Draft Convention, namely, the establishment of a national system of employment agencies under the control of a central authority, is met by the Employment Service of Canada, which was in existence when this Draft Convention was adopted at the First Session of the International Labour Conference. The Employment Service of Canada, comprising a series of public employment offices, is maintained by the various provincial governments in co-operation with the Federal Authorities.

This Draft Convention calls also for the exchange between the members of the International Labour Organization of full information in respect of unemployment. The available information on this subject in Canada is published from month to month in the Labour Gazette, the official monthly journal of the Federal Department of Labour, which is sent to all the principal industrial countries included in the membership of the International Labour Organization.

Article 3 of the Draft Convention provides for mutual arrangements among members who have established systems of unemployment insurance. This section has no application to Canada, as no system of insurance against unemployment has been established in this Country.

#### DRAFT CONVENTION CONCERNING THE EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.

The object of this Draft Convention, namely, the protection of women engaged in industrial employment before and after childbirth is a matter which is within provincial legislative jurisdiction in Canada. The requirements of the Convention were met in part in 1921 in the Province of British Columbia by the adoption of the Maternity Protection Act (Revised Statutes of British Columbia, 1924, chapter 155). The Royal Commission on State Health Insurance and Maternity Benefits appointed in British Columbia in 1929 in its Interim Report in 1930 stated that its investigation so far had convinced the Commission that there was justification and a general demand for an economically sound and equitable public health insurance plan. In Quebec a Commission is inquiring into the whole question of social insurance.

#### DRAFT CONVENTION CONCERNING THE EMPLOYMENT OF WOMEN DURING THE NIGHT.

The object of this Draft Convention, namely, prohibition of the employment of women at night in industrial undertakings, is a matter which is within provincial legislative jurisdiction in Canada. An examination of the provincial statutes shows that at the time the Draft Convention was adopted in 1919 and since, the Factory Acts of seven of the nine provinces in Canada prohibit the employment of women during the night; these statutes vary, however, in the length







of the night period during which this class of employment is forbidden.

Under the Factories Acts of Nova Scotia (R.S. 1923, C. 160, S. 18 (2)), New Brunswick (R.S. 1927, C. 159, S. 9 (2)), Manitoba, (R.S. 1913, C. 70, S. 15) and British Columbia (R.S. 1924, C. 84, S. 14), no rules are laid down for normal times, but when the inspector grants emergency exemption on not more than 36 days in the year employment of women is forbidden between the hours of 9 p. m. and 6 a. m. in Nova Scotia, 10.30 p.m. and 6 a.m. in New Brunswick, 10 p.m. and 6 a.m. in Manitoba, and 8 p.m. to 7 a.m. in British Columbia. In Nova Scotia exception is made for the canning industry in which women may work after 9 p.m. on not more than twenty days in the year.

In Quebec (R.S. 1925, C. 182, S. 15-17) the restricted hours for female factory workers are from 9 p.m. to 6 a.m. in normal periods, except in cotton and woollen factories where work between 6.30 p.m. and 7 a.m. is forbidden. In emergencies the inspector may permit female employees to work a longer day on not more than 30 days. In such cases work between 9 p.m. and 6 a.m. is prohibited.

In Ontario (R.S. 1927, C. 275, S. 31-33) work between 6.30 p.m. and 7 a.m. is forbidden except in emergencies on permit from the inspector on not more than thirty-six days in a year. In such cases no work may be done between 9 p.m. and 6 a.m. The Mining Act (R.S. 1927, C. 45, S. 154 as enacted by 1930, C. 8, S. 7) forbids the employment of women in mines except in technical, clerical or domestic work.

Under the Saskatchewan Factories Act, (R.S. 1920, C. 176, S. 11-12) no woman may work after 6.30 p.m. except on an emergency permit on not more than thirty-six days in the year, when work between 10 p.m. and 6 a.m. is prohibited.

The Alberta Factories Act contains no provisions regarding night work for women, but the Minimum Wage Act empowers the Board to determine periods of employment and shifts.

In one province of Canada, namely, Prince Edward Island, there is no industrial employment and the need for legislation on this subject, therefore, has not arisen.

#### DRAFT CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

The object of this Draft Convention, namely, prohibition of the employment of children under fourteen years of age in industrial undertakings, is a subject which is within provincial legislative jurisdiction in Canada. An examination of the provincial statutes shows that at the time the Draft Convention was adopted in 1919 and since, the Factory Acts of eight of the nine provinces of Canada contain provisions regulating the employment of young children in respect of age and that they mostly meet, and in some cases exceed, the requirements of the Draft Convention.







In Nova Scotia (Revised Statutes, 1923, chapter 160, section 11), children under 14 years of age may not be employed in any factory. Certificates are required up to the age of 16, and a register of children and young girls must be kept. The Coal Mines Regulation Act (1927, C. 1, S. 94) and the Metalliferous Mines Act (1927, C. 2, S. 5) forbid the employment of boys under 16 years of age in or about a mine.

In New Brunswick no limit is now prescribed under the Factories Act, but the inspector may demand age certificates for all children under 16 years of age. Other enactments such as the School Attendance Act (Revised Statutes, 1927, chapter 53, section 31) operate to safeguard children. The latter Act enables the local authorities in the province to forbid the employment of children under 16 during school hours in cities and towns unless they have passed grade 7, or are under instruction for six months in the year.

In Quebec (Revised Statutes, 1925, chapter 182, S. 6-8) boys and girls under 14 years of age may not be employed in industrial establishments, or under 16 years unless they can read and write easily. Employers must keep registers of boys and girls with their ages. The Mining Act (R.S. 1925, C. 80, S. 147) forbids the employment in mines of boys under 15 years and of girls and women.

In Ontario children under 14 may not be employed in factories (Revised Statutes, 1927, C. 275, S. 26-28, as amended by 1929, C. 72, S. 24). No child under 16 may be so employed during school hours except on permit under the Adolescent School Attendance Act. Every employer is required to keep a register of the boys under 16 and girls under 18 years employed. The Mining Act (R.S. 1927, C. 45, S. 154, as enacted by 1930, C. 8, S. 7) forbids the employment of boys under 16 years of age about a mine and of boys under 18 years of age below ground. No woman or girl may be employed except in technical, clerical or domestic work.

In Manitoba (R.S. 1913, C. 70) the minimum age for employment in factories is 14 years for boys and 15 years for girls. Registers must be kept of girls employed, and age certificates are required for all persons under 16 years of age. The Mines Act (1930, C. 27, S. 7) authorizes the Lieutenant-Governor in Council to make regulations and orders governing the age and sex of persons who may be employed.

In Saskatchewan (R.S. 1930, C. 220, S. 6) employment in factories of boys under 14 and girls under 15 is prohibited. A register must be kept of boys under 16 and girls under 18 years of age. Under the Mines Act (R.S. 1930, C. 222, S. 10) no boy under 14 years of age and no woman or girl may be employed or permitted to be in the workings of a mine.

In Alberta (1926, C. 52, S. 20) no child under 15 years of age may be employed in a factory. A register of all workers must be kept. The Coal Mines Regulation Act (1930, C. 24, S. 7) forbids the employment of boys under 16 years of age and of women and girls in or about a mine except in clerical or domestic work. Age certificates are required for all boys employed.







In British Columbia (R.S. 124, C. 84, S. 4) no child under 15 years of age may be employed in a factory except on written permission of the inspector, which must set forth the number of hours of employment, not exceeding six per day. A register of girls and women must be kept. The Coal Mines Regulation Act (R.S. 1924, C. 171, S. 4) forbids the employment of boys under 15 and of women and girls in or about a coal mine except in clerical or domestic work. The Metalliferous Mines Regulation Act (R.S. 1924, C. 172, S. 31 (15)) forbids the employment below ground of boys under 12 years of age, and of girls and women.

In Prince Edward Island there is no industrial employment and the need for legislation on this subject has not arisen.

DRAFT CONVENTION CONCERNING NIGHT WORK OF YOUNG PERSONS  
EMPLOYED IN INDUSTRY.

The object of this Draft Convention, namely, prohibition of the night employment of young persons under 18 years of age in industrial undertakings, is a matter which is within provincial legislative jurisdiction in Canada. An examination of the provincial statutes shows that at the time the Draft Convention was adopted in 1919 and since, the night employment of children in industry is forbidden by law or regulated in most of the provinces of Canada, but that age limit varies.

In Nova Scotia (R.S. 1923, C. 160, S. 18) and New Brunswick (R.S. 1927, C. 159, S. 9) no rules are laid down for normal times, but when the inspector grants an emergency permit for not more than 36 days a year girls under 18 years of age may not be employed between 9 p.m. and 6 a.m. in Nova Scotia, or between 10.30 p.m. and 6 a.m. in New Brunswick.

In Quebec (Revised Statutes of Quebec, 1925, chapter 182) no girls or boys under 18 may be employed in industrial establishments between 9 p.m. and 6 a.m. In cotton and woollen factories the prohibited hours are from 6.30 p.m. to 7 a.m.

In Ontario (Revised Statutes, 1927, chapter 275, section 31) boys under 16 and girls under 18 may not be employed in a factory between 6.30 p.m. and 7 a.m. In case of exemption by permit on not more than 36 days per year, working hours may not fall between 9 p.m. and 6 a.m. Under the Mining Act (R.S. 1927, C. 45, S. 154, as enacted by 1930, C. 8, S. 7) no boy under 16 years of age may be employed about a mine and no boy under 18 may work below ground. No woman or girl may be employed except in technical, clerical or domestic work.

In Manitoba, by the Child Welfare Act (Consolidated Amendments, 1924, chapter 30), persons under 18 may not be habitually employed in any occupation between 9 p.m. and 6 a.m. The Factories Act (Revised Statutes of Manitoba, 1913, chapter 70) makes no rule for normal times, but on emergency permits for not more than 36 days a year, young girls under 18 years of age may not be employed in factories between 10 p.m. and 7 a.m.







In Saskatchewan (Revised Statutes, 1930, chapter 220, section 11) boys under 16 and girls under 18 may not be employed in factories after 6.30 p.m. except by special permit.

In British Columbia the requirements of the Convention are met (except as regards transportation) by the Night Employment of Young Persons Act (1921, C. 47) which forbids employment of persons under 18 years of age in industry, as defined, between 8 p.m. and 7 a.m. This Act, however, will only come into force on Proclamation to be made on the passing of similar legislation in other provinces. The Factories Act (Revised Statutes, 1924, chapter 84, section 14 (a)) prohibits the employment of girls under 18 years of age between 8 p.m. and 7 a.m. on emergency permit and the Shops Regulation Act (Revised Statutes, 1924, chapter 232, section 39), prohibits the employment in bakeshops of persons under 18 years of age between 9 p.m. and 5 a.m.

In Nova Scotia and New Brunswick Factory Acts there are no provisions for normal times, but limits are fixed for cases where the inspector grants emergency exemption. In such cases in New Brunswick (R.S. 1927, C. 159, S. 9) girls under 18 years of age must not be employed between the hours of 10.30 p.m. and 6 a.m., and in Nova Scotia (R.S. 1923, C. 160, S. 16) the prohibited hours for such employees are 9 p.m. to 6 a.m.

DRAFT CONVENTION FIXING THE MINIMUM AGE FOR THE ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

This Draft Convention prohibits the employment at sea of children under 14 years of age. This requirement is met by an amendment (1924, chapter 12) to the Canada Shipping Act which came into force on January 1, 1926. Canada adhered to the Draft Convention on March 31, 1926.

DRAFT CONVENTION CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP.

This Draft Convention provides that in such cases the owner or person with whom the seaman has contracted, shall pay to each seaman an indemnity against unemployment resulting from such loss or foundering, the total indemnity to be limited to two months' wages. Modifications are permitted in colonies, protectorates, etc., where local conditions are unsuitable to its application.

The requirements of this Draft Convention are met by an amendment (1924, chapter 12) to the Canada Shipping Act. The amendment came into force on January 1, 1926. *Canada adhered to the draft Convention on March 31, 1926.*

DRAFT CONVENTION FOR ESTABLISHING FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN.

This Draft Convention applies to seamen the provisions of the Washington Convention in regard to unemployment services.

The law officers of the Crown have advised that the existing Dominion-Provincial employment service which has been co-ordinated on a national basis, under the provisions of the





Employment Offices Co-ordination Act, and the regulations made thereunder, may be utilized to give full effect to the proposals of the convention with respect to the establishment of public facilities for finding employment for seamen, but subject, of course, to the provisions of the Canada Shipping Act, by which authority to hire, engage, supply or provide seamen, is confined to the shipping masters and their deputies. The two services may be adequately articulated for the purpose of carrying out these proposals by regulations made under the authority of the Employment Offices Co-ordination Act, and departmental instructions to shipping masters and their deputies.

The Canada Shipping Act requires every shipping master to "(a) afford facilities for engaging seamen by keeping registers of all seamen shipped or discharged by him, which registers shall be open to public inspection; (b) superintend and facilities the engagement and discharge of seamen." The act further provides that "no person other than the shipping master or deputy shipping master shall hire, engage, supply or provide a seaman to be entered on board any ship, not being a Canadian home-trade ship or a ship in the merchant service of a foreign country"; and that "no person shall employ any person other than a shipping master or deputy shipping master for the purpose of hiring, engaging, supplying or providing seamen to be entered on board any ship, not being a Canadian home-trade ship, etc."

#### DRAFT CONVENTION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT IN AGRICULTURE.

The object of this Draft Convention, namely, prohibition of the employment in agriculture of children under 14 years of age during hours fixed for school attendance, is one which falls within provincial legislative jurisdiction in Canada. An examination of the provincial laws shows that when this Draft Convention was adopted in 1921, and since, there were in effect in a number of the provinces of Canada laws requiring all children under 14 years to attend school, thus preventing their employment in agriculture. In Prince Edward Island the school leaving age is 13 years and in the other provinces, with the exception of Quebec, it is 14 years or higher. Quebec has no compulsory school attendance law. Except in Prince Edward Island and British Columbia provision is made for exemption on a work permit for whole or part time.

#### DRAFT CONVENTION CONCERNING THE RIGHTS OF ASSOCIATION AND COMBINATION OF AGRICULTURAL WORKERS.

The object of this Draft Convention is to secure to workers engaged in agriculture the same rights of association and combination as are enjoyed by other industrial workers. Agricultural workers, so far as existing legislation in Canada is concerned would seem to have the same rights of association and combination as other workers. There is no law on the statute books of Canada forbidding the association and combination of agricultural workers for lawful purposes. These rights are subject to limitation or restriction only at the point where their exercise would involve a contravention of the Criminal Code. It is provided in the Criminal Code of Canada (Revised Statutes of Canada, 1906, chapter 146, section 498 (2)) with





reference to conspiracies in restraint of trade that the penalties therein specified should not apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

#### DRAFT CONVENTION CONCERNING WORKMEN'S COMPENSATION IN AGRICULTURE.

This Draft Convention would extend to agricultural wage-earners the benefit of the laws and regulations providing compensation for injury by accidents arising out of and in the course of employment. The laws of all provinces, except British Columbia, exclude agricultural labourers, but the Nova Scotia and Manitoba Acts provide for their admission on application by their employers. The Alberta law provides for their inclusion on application by a majority of the workmen or of the employer. The workman's request may not be granted, however, without the employer's consent.

#### DRAFT CONVENTION CONCERNING THE USE OF WHITE LEAD IN PAINTING.

This Draft Convention would prohibit after November 29, 1927, with certain exceptions, the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings; also the employment of males under 18 years of age, and all females, in any painting work of an industrial character involving the use of these substances; and it would regulate, as from January 1, 1924, at the latest, the use of these substances, and would provide that statistics with regard to lead-poisoning among working painters shall be kept. The objects of this Draft Convention are within provincial legislative jurisdiction in Canada. No laws exist in Canada which prohibit or regulate the use of white lead in painting.

#### DRAFT CONVENTION CONCERNING THE APPLICATION OF THE WEEKLY REST IN INDUSTRIAL UNDERTAKINGS.

The object of this Draft Convention, which looks to the securing of a weekly rest of at least 24 hours consecutive rest for workers in industrial undertakings, is a matter which falls within Federal legislative jurisdiction in Canada, as it involves legislation relating to the criminal law. An examination of the Statutes shows that it was met at the time the Convention was adopted and since, by the provisions of the Lord's Day Act of Canada (Revised Statutes of Canada, 1927, chapter 123) which embodies substantially the provisions of the Draft Convention. Certain provincial statutes forbid any person to perform the work of his ordinary calling on Sunday, except works of necessity or mercy. These Statutes are: Prince Edward Island (R.S. 1780, c. 3 as amended 1892, c. 29); Nova Scotia (R.S. Third Series c. 159 printed at end of R.S. 1900); New Brunswick (R.S. 1903, c. 107); Quebec (R.S. 1925, c. 199); Ontario (R.S. 1897, c. 246); Manitoba (R.S. 1913, c. 119); Saskatchewan (R.S. 1909, c. 69); Alberta (R.S. 1922, c. 154); and British Columbia (R.S. 1924, c. 246). In Manitoba (R.S. 1913, c. 133, s. 767); Saskatchewan (R.S. 1930, c. 96, s. 243 and R.S. 1930, c. 103, s. 284) and Alberta (R.S. 1922, c. 48, s. 246) the operation of street cars on Sunday is forbidden unless a vote of the ratepayers decides for their operation. In Ontario (R.S. 1927, c. 224, s. 236) the working week on street railways is limited to six days of ten hours each.





In British Columbia (R.S. 1924, c. 232, s. 36) and Ontario (R.S. 1927, c. 275 s. 71-72). Sunday work in bakeshops is forbidden except on written permission of an inspector. In Manitoba (1928, c. 45) and Saskatchewan (R.S. 1930, c. 255) provision is made for a weekly rest of at least twenty-four hours (on Sundays when possible) over practically the whole industrial field. In Manitoba Orders of the Minimum Wage Board forbid Sunday labour for women and boys under 18 years of age in factories, laundries, etc.

DRAFT CONVENTION FIXING THE MINIMUM AGE FOR THE ADMISSION OF  
YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS OR STOKERS.

This Draft Convention would prohibit, with certain exceptions, the employment of any person under the age of 18 years as a trimmer or stoker. The requirements of the Draft Convention are met by a section (R.S. 1927, c. 186, s. 163) of the Canada Shipping Act which was put in force on January 1, 1926. Canada adhered to the Draft Convention on March 31, 1926.

DRAFT CONVENTION CONCERNING THE COMPULSORY MEDICAL EXAMINATION OF  
CHILDREN AND YOUNG PERSONS EMPLOYED AT SEA.

This Draft Convention would make compulsory an annual medical examination of all persons under 18 years of age employed at sea. The requirements of this Draft Convention are met by a section (R.S. 1927, c. 186, s. 163) of the Canada Shipping Act which was put in force January 1, 1926. Canada adhered to the Draft Convention on March 31, 1926.

DRAFT CONVENTION CONCERNING EQUALITY OF TREATMENT FOR NATIONAL  
AND FOREIGN WORKERS AS REGARDS WORKMEN'S COMPENSATION.

Under the Workmen's Compensation Acts of Nova Scotia (Revised Statutes of Nova Scotia, 1923, chapter 129 as amended by 1929, c. 44); New Brunswick (R.S. 1927, c. 157); Ontario (R.S. 1927, c. 179) and Manitoba (C.A. 1924, c. 209) and Saskatchewan (1929, c. 73) reciprocal benefits are granted to foreign workmen, or dependants. Under the law of New Brunswick the granting of such benefits is dependent upon the issuance of an Order-in-Council and such an Order was issued in February, 1919. In Ontario, Saskatchewan, Manitoba, New Brunswick and Nova Scotia the Boards are authorized to reduce the amount of compensation if the benefits paid in the workman's country of origin are less than those payable under the provincial laws. In Nova Scotia, however, a widow or invalid widower with children may be granted leave to reside outside the Province without having compensation reduced. The British Columbia (R.S. 1924, c. 278); Alberta (R.S. 1922, c. 177) and New Brunswick laws also authorize a reduction in compensation to beneficiaries residing outside the Province if the cost of living in their country of residence is lower than in these provinces. Apart from this provision the laws of British Columbia and Alberta make no distinction between native and foreign workers and dependants. In Alberta (R.S. 1922, c. 176) which applies to certain classes of workers not covered by chapter 177 makes no distinction. In Quebec, Ontario, Manitoba and Saskatchewan the Board may amend such sum in lieu of compensation to non-resident dependants as it may deem proper.





DRAFT CONVENTION CONCERNING NIGHT WORK IN BAKERIES.

The object of this Draft Convention is the prohibition of night work in bakeries for at least seven consecutive hours. An examination of the provincial statutes shows that at the time this Convention was adopted in 1925 and since, legislation was in force in some provinces which partly met the requirements of the Convention. In British Columbia the Shops Regulation Act (Revised Statutes of British Columbia, 1924, chapter 232) forbids the employment in bakeshops of persons under 18 years of age between the hours of 9 p.m. and 5 a.m. The Factory Acts of Ontario, Manitoba and Saskatchewan include bakeshops in the schedule of establishments to which the Acts apply and contain provisions regulating the night employment of women and young persons. These provisions are given under the heading "Draft Convention Concerning Night Work of Young Persons Employed in Industry."

DRAFT CONVENTION CONCERNING WORKMEN'S COMPENSATION FOR ACCIDENTS.

The object of this Draft Convention is to secure the adoption of certain general principles in the laws providing for workmen's compensation. An examination of the provincial statutes shows that at the time the Draft Convention was adopted in 1925 and since, they contain provisions which partly meet the requirements of this Draft Convention.

Articles 1-4 deal with the industries to be included within the scope of the laws and those which may be exempted.

The Acts of Nova Scotia (Revised Statutes of Nova Scotia, 1923, chapter 129); New Brunswick (R.S. 1927, c. 157); Quebec (1931, c. 100); Ontario (R.S. 1927, c. 179); Manitoba (C.A. 1924, c. 209); Saskatchewan (1929, chapter 73); Alberta (R.S. 1922, chapters 176 and 177) and British Columbia (Revised Statutes of British Columbia, 1924, chapter 278), cover practically the whole industrial field and the Workmen's Compensation Boards of those provinces are empowered to admit industries not within the scope of the Acts on application of the employers. British Columbia and Alberta permit such applications to be made by workmen also.

The Yukon Ordinance applies to any establishment, undertaking, trade or business in which five or more persons are employed, including undertakings by the Government of the Territory or by a municipal corporation.

The Prince Edward Island Act (1926, chapter 22) applies to railway employees only and has not been put in force.

Article 5 proposes periodical payments, or, if the authorities are satisfied that it will be properly utilized, a lump sum may be substituted. Under the Saskatchewan law of 1911 and the Alberta law of 1908, which still apply to certain classes of workmen not covered by the later Acts all compensation is paid in a lump sum. Under the 1929 law of Saskatchewan, and the 1918 law of Alberta which apply to the majority of cases, and in the other provinces periodical payments are the rule, but payments may be commuted for a lump sum. In the Yukon, payment is made in a lump sum, except in temporary cases.





Article 6 proposes the payment of compensation as from the fifth day after the accident. Ontario, Nova Scotia, New Brunswick, Quebec and Saskatchewan fix the waiting period at seven days, but in Ontario, Nova Scotia, Quebec and Saskatchewan compensation is payable from the date of disability. The Manitoba Act gives no compensation for the first three days of disablement. British Columbia provides for a waiting period of three days, but where disability lasts for more than fourteen days compensation is payable from the date of its commencement. The Alberta Workmen's Compensation (Accident Fund) Act provides for the payment of compensation from the fourth day. Under the Railway Employees Compensation Act of Prince Edward Island, the waiting period is seven days. Under the Yukon Ordinance the waiting period is fourteen days but compensation is payable from the date of disability.

Article 7 proposes the provision of additional compensation in cases where the injured workman requires the constant assistance of another person. There appears to be no legislation concerning this point.

Article 8 proposes that provision be made for supervision and review. The Workmen's Compensation Boards in Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta (Workmen's Compensation Accident Fund Act), and British Columbia have wide powers in dealing with the various cases and are authorized to review awards. The law of Alberta, which covers certain railway employees and others not coming under the general Act, provides for review of the amount of payment and settlement by arbitration in case of disagreement. In Nova Scotia and New Brunswick appeal may be taken to the Supreme Court from the Board's decisions but only upon questions of law or jurisdiction and with the permission of a judge of the Court. In the Yukon a review of an award may be made at the request of either employer or workman.

Article 9 proposes that injured workmen shall be entitled to necessary medical, surgical and pharmaceutical aid, the expense to be defrayed by the employer, or by accident or invalidity insurance institutions. The laws of Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta (Accident Fund) and British Columbia provide for medical aid to injured workmen, expenses to be paid from the accident fund. In Ontario and Quebec, however, employers in Schedule 2, such as railway, navigation and telegraph companies, and municipalities are individually liable to pay compensation as well as medical aid and this they pay out of their own funds. In Alberta and British Columbia, however, the workers contribute to the cost of medical aid, the amount in British Columbia being one cent per day. In Alberta the whole cost is borne by the workmen, deductions varying from one to four cents per day according to the hazard of the industry. This sum is, in both cases, retained by the employer from wages and forwarded by him to the Board. Employers may adopt their own methods subject to the approval of the Board. In British Columbia, Quebec, Manitoba, Saskatchewan, New Brunswick, Alberta (Accident Fund), Nova Scotia and Ontario medical aid includes medical, surgical, nursing and hospital services and transportation. In Nova Scotia this aid is furnished for a period of thirty days only. All the provinces make provisions for the installation of first-aid appliances. In the Yukon the sum of \$500 may be claimed in fatal cases





to cover expenses of burial and medical care, burial expenses not exceeding \$150 to be a first charge on this amount.

Article 10 suggests that injured workmen be entitled to the supply and normal renewal by the employer or insurer of necessary artificial limbs and surgical appliances, or in special cases an allowance representing the probable cost of such supply and renewal. The law of New Brunswick does not specifically provide for the supply and renewal of surgical appliances but the Board is authorized to determine the character and sufficiency of medical aid to be furnished. The Quebec law makes provision for the supplying and renewing for twelve months of artificial limbs and other necessary appliances. The Nova Scotia, Saskatchewan and Ontario laws direct that artificial members be supplied and kept in repair for one year. In Manitoba artificial limbs and surgical appliances may be provided, and in British Columbia crutches and other apparatus, including artificial limbs, may be supplied. In the latter province and in Alberta and Manitoba the Board may adopt regulations regarding the supplying of medical aid. In Alberta the Board is authorized to supply any apparatus usually provided for such cases for the alleviation of the injury.

The laws of the Yukon and Prince Edward Island do not provide for the supplying of artificial members, etc.

Article 11 proposes that provision be made for insuring the payment of compensation in the event of the employer or insurer becoming insolvent. In Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia any sums due by an employer to the Board are included among the claims which take priority in case of insolvency or death of an employer or the distribution of assets of a company. Under the 1911 law of Saskatchewan, and the 1908 law of Alberta which apply to certain workers not covered by the general workmen's compensation laws, including a number of classes of railway employees, amounts due in respect of compensation up to \$500 in each individual case, are included among the debts taking priority in the distribution of the assets of a company being wound up, unless such winding-up is for the purpose merely of reconstruction or amalgamation with another company. In cases where the employer has entered into a contract with an insurer, the rights of the employer against the insurer are transferred to the workman in case the employer becomes insolvent. If the liability of the insurer to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the liquidation proceedings. In Quebec assessments under the Workmen's Compensation Act to the amount of \$1,000 constitute a privileged claim upon the moveable and immoveable property of an employer.

#### DRAFT CONVENTION CONCERNING WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES.

The object of this Draft Convention is to have the diseases in the Schedule to the Convention, considered, as occupational diseases. These diseases are: lead and mercury poisoning and their sequelae, and anthrax infection. An examination of the provincial





Workmen's Compensation laws shows that at the time the Draft Convention was adopted in 1925 and since, the Workmen's Compensation Acts of Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Alberta, and British Columbia provided for compensation for these diseases. All processes in connection with mercury and lead are covered, but in the case of anthrax the laws only deal with processes which involve the handling of wool, hair, bristles, hides and skins.

DRAFT CONVENTION CONCERNING THE SIMPLIFICATION OF THE  
INSPECTION OF EMIGRANTS ON BOARD SHIP.

Certain sections of the Immigration Act (s. 25, 56, 57, 58 sub.s. 4, and 59) provide for inspection abroad and on board ship and provides certain protection for emigrants, but there does not appear to be any provision for the appointment of an official inspector to travel on emigrant ships for the purpose of ensuring the enforcement of any laws, regulations or agreements for the protection of emigrants on board.

DRAFT CONVENTION CONCERNING THE REPATRIATION OF SEAMEN.

This Draft Convention provides that a seaman employed in his own country who is landed during the term of his engagement or at its expiration shall be entitled to be taken back to his own country or to the port at which he was engaged or to the port at which the voyage commenced. Suitable employment on a vessel proceeding to his destination is deemed to be repatriation. Expenses of repatriation may not be charged to a seaman who is left behind because of injury sustained in his service, shipwreck, illness not attributable to his own fault or discharge for cause beyond his own control. The terms of this Draft Convention are partly met by the Canada Shipping Act (Revised Statutes of Canada, 1927, chapter 186, sections 202-8, 214, 216 and 264-267).

DRAFT CONVENTION CONCERNING SEAMEN'S ARTICLES OF AGREEMENT.

This Draft Convention sets forth a number of proposals concerning Seamen's Articles of Agreement. Many of the requirements of the Draft Convention are met by the provisions of the Canada Shipping Act (Revised Statutes of Canada, 1927, chapter 196, sections 150-162) on this subject.

DRAFT CONVENTION CONCERNING SICKNESS INSURANCE FOR WORKERS IN  
INDUSTRY AND COMMERCE AND DOMESTIC SERVANTS.

This Draft Convention calls for the adoption of a system of compulsory sickness insurance. There is no legislation on this subject in Canada. In British Columbia, however, a Royal Commission on State Health Insurance and Maternity Benefits was appointed in 1929 and in its Interim Report issued in 1930 found justification and a general demand for an economically sound and equitable public health insurance plan. In Quebec a Commission is investigating the whole question of social insurance.





DRAFT CONVENTION CONCERNING SICKNESS INSURANCE FOR  
AGRICULTURAL WORKERS.

This Draft Convention calls for a system of compulsory sickness insurance for workers in agriculture. There is no legislation on this subject in Canada. (See preceding paragraph).

DRAFT CONVENTION CONCERNING THE CREATION OF MINIMUM  
WAGE-FIXING MACHINERY.

The object of this Draft Convention is the establishment and maintenance of machinery whereby minimum rates of wages can be fixed for workers employed in certain trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

Minimum wage laws in Canada apply in most cases to women only. Such laws are in force in Manitoba (C.A. 1924, C. 128), British Columbia (R.S. 1924, C. 173), Quebec (R.S. 1925, C. 100), Saskatchewan (R.S. 1920, C. 186), Ontario (R.S. 1927, C. 277), Alberta (1925, C. 23), and Nova Scotia. In 1930 a Minimum Wage Law (C. 11) was enacted in New Brunswick but will come into effect only on Proclamation by the Lieutenant-Governor in Council. In British Columbia and Alberta legislative provision has been made for a minimum wage for male employees, and that of Alberta consisting of a clause in the Factories Act providing that wherever a minimum wage has been fixed for female workers in any class of employment no male worker shall be employed in that class at a less wage. In Manitoba the Minimum Wage Act applies to boys under 18 years of age as well as to female workers.

The Quebec Act applies to female workers covered by the Industrial Establishments Act, viz: those in manufactories, works, workshops, workyards and mills of all kinds and their dependencies; and also to those in commercial establishments. In Ontario female employees in any trade or occupation who work for wages are included, except farm labourers and domestic servants. The Manitoba law applies to female workers and boys under 18 years of age in any mail order house, shop, office, place of amusement or factory in any city in the Province who are entitled to compensation for labour. A "shop" includes a barber shop and any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, including also a tobacconist's, news-agent's, messenger service, hotel, inn, tavern, victualling house, restaurant and refreshment house, and sale by retail includes sale by auction. The Saskatchewan law covers all female persons in shops and factories in cities who work for hire, but the Board may extend its provisions to other portions of the Province. The definition of a shop in this province is similar to that in Manitoba with the addition of beauty parlours and mail order houses. The Alberta law applies to female workers in any trade or occupation except domestic service in a private house. The orders of the Board apply to all parts of the province unless their operation is expressly restricted. The British Columbia law applies to every female person who is entitled to compensation for labour or services performed for an employer, except farm labourers, fruit pickers and domestic servants. The Male





Minimum Wage Act of British Columbia applies to adult male persons in all occupations (other than those of farm labourers, fruit pickers, fruit packers, fruit and vegetable canners, domestic servants and professions established by statute) who are in receipt of or entitled to any compensation for labour for services performed for another. The Nova Scotia law applies only in cities and incorporated towns unless its scope is extended by the Lieutenant-Governor in Council. It covers every female person in any trade or occupation who works for wages except farm workers and domestic servants. The New Brunswick law which has not yet been put in force applies to the same classes of workers as the Nova Scotia law.

The boards of Alberta, British Columbia, New Brunswick, Quebec and Ontario, before fixing minimum wage rates for any occupation may summon conferences in which employers and employees are equally represented.

The Alberta Minimum Wage Board consists of three members appointed by the Lieutenant-Governor in Council who represent respectively the employers, the employees and the Province at large. The Manitoba and New Brunswick laws provide for a board of five members, two representing employers and two representing employees with a disinterested person as chairman. The Quebec Board consists of four members, two of whom represent the employers and two the female employees. The other provincial laws do not require employers and workers to be represented on the boards.

All orders of wage boards are binding upon employers and penalties are provided for their infraction. The Saskatchewan and Alberta laws provide that agreements to work for less than the minimum wage shall be invalid.

The orders of the boards are in all cases to be published in the Royal Gazettes of their respective provinces. In addition the Quebec law provides that the board must send its orders by registered letter to employers who must keep them posted in their establishments. The Ontario notice of the decision of a wage conference must be sent to employers' and employees' representatives and the board may direct that a notice of the orders be posted in establishments. In British Columbia under the Minimum Wage Act (women's) the Board must send notice of orders to employers who must post them and keep them posted free from defacement and mutilation. Under the Male Minimum Wage Act employers must keep orders posted in their establishments and the Board must supply copies of orders to employers requesting them.

In all cases provision is made for the boards to ascertain whether employers are observing the law and, in case of infraction for the employee to recover the difference between the wage paid him or her and the minimum wage. In Manitoba, Ontario, New Brunswick, Saskatchewan, Alberta, and under the Minimum Wage Act (women) of British Columbia the employer, on conviction, is ordered to pay the difference, thus saving the employee from the necessity of bringing a civil action.





DRAFT CONVENTION CONCERNING THE MARKING OF THE WEIGHT ON  
HEAVY PACKAGES TRANSPORTED BY VESSELS.

This Draft Convention calls for the marking of the weight on all packages and objects weighing more than 1000 kg. (1 metric ton). There is no legislation on this point in Canada.

DRAFT CONVENTION CONCERNING THE PROTECTION AGAINST ACCIDENTS  
OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS.

This Draft Convention sets forth a number of proposals for the protection of workers in loading or unloading ships, including the rules for the safety of all working places, and machinery, and of the means of transportation to the ship by water; lighting; provision of first aid equipment; handling of dangerous goods; and inspection. Regulations made by the Harbour Commissioners of certain cities provide for lighting of gangways, precautions to be taken in handling dangerous goods, and in loading or unloading vessels moored alongside, provision of good save-all stages, and the keeping of wharves free of encumbrances. Such regulations when approved by the Governor-General in Council have the force of law. Inspectors are also maintained by the Dominion Government at certain of the Canadian ports for the protection of workers engaged in loading and unloading ships.

DRAFT CONVENTION CONCERNING THE REGULATION OF HOURS OF WORK  
IN COMMERCE AND OFFICES.

The object of this Draft Convention is to secure the adoption of an 8 hour day and 48 hour week in commercial establishments including postal, telegraph and telephone services. Maximum weekly hours may be so arranged that daily hours do not exceed 10. Certain exceptions to the proposed rule are permitted in case of accident and emergency. There is no legislation in Canada which meets the requirements of this Draft Convention, but orders issued under the Women's Minimum Wage Acts of several provinces fix a 48 hour week for women in certain offices. In British Columbia an 8 hour day and 48 hour week is established for female office, telegraph and telephone employees. In offices no overtime is permitted, but telegraph and telephone employees may work up to 56 hours in emergencies with payment at time and one half for all time in excess of 48 hours. In Alberta female office, telephone and telegraph employees have a 9 hour day and 48 hour week. Temporary overtime may be worked on permit of board with extra payment at proportional rates. The Manitoba Minimum Wage Board has fixed an 8 hour day and 44 hour week for female office workers and boys under 18 years of age in Winnipeg, St. Boniface and St. James. Emergency overtime may be worked only on permit and may not exceed three hours per day, nor six hours per week, or be oftener than on thirty-six days per year, with additional payment at not less than the regular rate.

DRAFT CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR.

The object of this Draft Convention is the gradual abolition of compulsory or forced labour. This term is deemed not to include certain forms of labour or service. The only forms in which compulsory labour exists in Canada fall within these exceptions viz:





Statute labour in lieu of payment of taxes and compulsory service to fight forest or prairie fires, and in British Columbia in case of sudden breaches in dams, dykes, etc., or apprehension thereof.

DRAFT CONVENTION LIMITING HOURS OF WORK IN COAL MINES.

The object of this Draft Convention is the limitation of hours of employment in coal mines to seven hours and forty-five minutes from bank to bank, and the elimination of underground work on Sundays and public holidays. There does not appear to be any legislation in Canada providing for a day of seven and three-quarter hours in coal mines. Dominion and provincial laws dealing with Sunday labour enumerated under Draft Convention concerning a Weekly Rest in Industrial Undertakings have a bearing on Sunday labour in coal mines.





RECOMMENDATIONS OF THE INTERNATIONAL LABOUR  
CONFERENCE IN RELATION TO WHICH LEGISLATIVE  
OR OTHER MEASURES HAVE BEEN TAKEN IN CANADA.

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RECOMMENDATION CONCERNING UNEMPLOYMENT.

The first section of this Recommendation calls for the prohibition of private employment agencies which charge fees, or permission only under Government license. In Canada the operation of private employment agencies for gain is prohibited in the Provinces of Nova Scotia, (Revised Statutes, 1923, chapter 123), Quebec (1931-32, chapter 47), Manitoba (C.A. 1924, chapter 67, section 9), Saskatchewan (Revised Statutes, 1930, chapter 256), Alberta (Revised Statutes, 1922, chapter 179, section 11) and British Columbia (Revised Statutes, 1924, chapter 78), while private employment agencies are subject to provincial regulation in Ontario (Revised Statutes, 1927, chapter 216). No legislation has been adopted in Canada relative to the proposals contained in the remaining sections of this Recommendation, namely, unemployment insurance, the recruiting of workers in foreign countries, and the co-ordination of public works and the reservation of these public works for periods of unemployment.

RECOMMENDATION CONCERNING RECIPROCITY OF TREATMENT OF  
FOREIGN WORKERS.

This Recommendation is that upon condition of reciprocity each state shall admit foreign workers to the benefits of its laws for the protection of workers, and to the right of lawful association. No legislation to this effect exists in Canada.

RECOMMENDATION CONCERNING THE PREVENTION OF ANTHRAX.

This Recommendation is to the effect that arrangements should be made for the disinfection of wool with anthrax spores, either in the country exporting such wool or at the port of entry.

Under the provisions of the Quarantine Act the Governor-in-Council may, by regulation, make provision for giving effect to the proposal of this Recommendation. The Dominion Government issued an order in March, 1930, making more explicit orders issued in 1920 and 1922 in regard to anthrax infection. The earlier order confirmed previous regulations under the Animal Contagious Diseases Act, requiring foreign exporters to furnish certificates as to the cleanliness of wool and hair destined for Canada.

RECOMMENDATION CONCERNING THE PROTECTION OF WOMEN AND  
CHILDREN AGAINST LEAD POISONING.

This Recommendation is that women, children and young persons be excluded from employment in furnace work in the reduction of zinc and lead ores; in the treatment of ashes containing lead and in the desilverizing of lead; in melting lead or old zinc on a large scale; in manufacturing solder or alloys containing more than 10 per





cent of lead; in the manufacture of litharge, missicot, red lead, white lead, orange lead, or sulphate, chromate or silicate of lead; in mixing and pasting in the manufacture and repair of electric accumulators; or in cleaning workrooms where such processes are carried on. It is further recommended that these classes of workers should be only employed in processes involving the use of lead compounds only subject to strict rules as to ventilation, cleanliness, inspection, sanitation, etc., and that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

No legislation on this subject appears to exist in Canada beyond general provisions contained in the various provincial factory acts for the protection of employees in factories against the injurious effects of industrial processes. In British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan the employment of women and young girls so that their health is likely to be permanently injured, is forbidden. The Industrial Establishments Act of Quebec (R.S. 1925, c. 182, s. 6) forbids the employment of boys under 16 and girls under 18 years in establishments classified by the Lieutenant-Governor in Council as dangerous, unwholesome or incommodious. A large number of industries have been thus classified including white lead, tinning of wire and of sheet iron utensils, smelting and rolling of iron, brass, lead and zinc, and the boxing and canning of paint. In Nova Scotia (R.S. 1923, c. 160, s. 13), Ontario (R.S. 1927, c. 275, s. 27), Manitoba (R.S. 1913, c. 70, s. 7), Saskatchewan (R.S. 1930, c. 220, s. 7), and British Columbia (R.S. 1924, c. 84, s. 5) power is given the Lieutenant-Governor in Council to prohibit the employment of boys under 16 and girls under 18 years of age in factories where he considers the work to be dangerous or unwholesome. Similar power is given the Workmen's Compensation Board of New Brunswick (R.S. 1927, c. 159, s. 5). No action has been taken in any of these provinces.

#### RECOMMENDATION CONCERNING THE ESTABLISHMENT OF GOVERNMENT HEALTH SERVICES.

This Recommendation is that each country should have, not only efficient factory inspection, but in addition, a government service especially charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Organization.

The law officers of the Crown have found that the provisions of the Dominion Department of Health Act, 1919, appear to be adequate to carry out this Recommendation without further legislation.

#### RECOMMENDATION CONCERNING THE APPLICATION OF THE BERNE CONVENTION OF 1906, ON THE PROHIBITION OF THE USE OF WHITE PHOSPHOROUS IN THE MANUFACTURE OF MATCHES.

The Government of Canada adhered to the Berne Convention of 1906 in September, 1914.





RECOMMENDATION CONCERNING THE LIMITATION OF HOURS OF WORK  
IN THE FISHING INDUSTRY.

This Recommendation is that in view of the general approval given under the Treaties to the principles of the eight-hour day and forty-eight hour week, each member should enact legislation limiting in this direction the hours of work of all workers employed in the fishing industry, with such special provisions as may be necessary to meet the conditions peculiar to the fishing industry in each country; and that in framing such legislation each Government consult with the organization of employers and of the workers concerned.

No legislation has been enacted by any province of Canada to limit the hours of work in this industry.

RECOMMENDATION CONCERNING THE LIMITATION OF HOURS OF  
WORK IN INLAND NAVIGATION.

This Recommendation is similar to the last. No law on the lines of the Recommendation has been enacted in Canada.

RECOMMENDATION CONCERNING THE ESTABLISHMENT OF  
NATIONAL SEAMEN'S CODES.

The aim of this Recommendation is to provide seamen with the means to a better comprehension of their rights and obligations, each member being asked to undertake the embodiment in a seamen's code of all its laws and regulations relating to seamen.

There is no such general code in existence in Canada. The Canada Shipping Act and its amendments, and the Merchant Shipping Act of Great Britain, together comprise the legislation governing seamen in Canada. Certain provisions relative to seamen appear also in the Criminal Code.

RECOMMENDATION CONCERNING UNEMPLOYMENT INSURANCE FOR SEAMEN.

This Recommendation is that each member state should establish for seamen a system of insurance against unemployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of Government subventions to industrial undertakings whose rules provide for the payment of benefits to their unemployed members.

No unemployment insurance for seamen is provided under any Canadian law.

RECOMMENDATION CONCERNING THE PREVENTION OF  
UNEMPLOYMENT IN AGRICULTURE.

The first section of this Recommendation is to the effect that the Draft Convention and Recommendations concerning unemployment adopted at Washington are in principle applicable to agricultural workers. The Employment Service of Canada, established under the Dominion (Revised Statutes, 1927, chapter 57) and provincial laws (Alberta, Revised Statutes, 1922, chapter 179); British Columbia, (Revised Statutes, 1924, chapter 78); Manitoba, (Consolidated Amendments, 1924, chapter 67); Ontario, (Revised Statutes, 1927, chapter 216)



Quebec, (Revised Statutes, 1925, chapter 99); Saskatchewan, (Revised Statutes, 1930, chapter 25) is available for agricultural as well as for other workers, and is constantly in use by them.

The Recommendation proposes also, as a means to alleviate unemployment, the adoption of improved farming methods, intensive cultivation, facilities for land settlement, transport facilities for the unemployed, supplementary forms of employment in slack seasons, and agricultural co-operation and credit.

A considerable body of Dominion and provincial legislation is in existence which provides for public instruction in agriculture, meeting to that extent the first two suggested remedies. These laws include the Technical Education Act of Canada (Revised Statutes of Canada, 1927, chapter 193); the Vocational Education Act of Canada (1931, chapter 59); the Vocational Education Acts of Prince Edward Island (Statutes of 1921, chapter 5); New Brunswick, (Revised Statutes of 1927, chapter 54); Ontario, (Statutes of 1930, chapter 64 as amended by 1931, chapter 71, Statute 15) and Saskatchewan (Revised Statutes of 1930, chapter 136); the Technical Schools and the Agricultural and Dairy School Acts of Quebec (Revised Statutes, 1925, chapters 141 and 62); the School Grants Act of Alberta (Revised Statutes of 1922, chapter 53); and the School Act and School Grants Act of Saskatchewan (Revised Statutes of 1930, chapters 131 and 134).

On the lines of the suggestion to create facilities for land settlement, the Dominion Department of Immigration and Colonization is at present co-operating in a plan for the co-ordination of Dominion, provincial and private land settlement schemes, this plan providing facilities for the movement of unemployed workers from urban centres to farming areas, as well as for the settlement of workers from other countries.

In regard to the next two suggestions, namely, transportation to farm jobs, and the fostering of supplemental industries, no legislation precisely on these lines is in existence in Canada, but transportation is in some cases advanced to men securing work through the Employment Service of Canada.

Various provincial acts have been enacted to encourage farmers' co-operation. Among the acts which provide for the issue of provincial credit to farmers those of Ontario (Revised Statutes of Ontario, 1927, chapters 67 and 69); Manitoba, (Consolidated Amendments of Manitoba, 1924, chapter 173 and 1924, chapter 59); Alberta (Statutes of Alberta, 1931, chapter 66) and British Columbia (Revised Statutes of British Columbia, 1924, chapter 128) make provision for credit organization through the agency of farmers' loan societies.

#### RECOMMENDATION CONCERNING THE PROTECTION, BEFORE AND AFTER CHILDBIRTH, OF WOMEN WAGE EARNERS IN AGRICULTURE.

Members of the International Labour Organization are hereby recommended to ensure to women agricultural wage-earners protection similar to that provided in other occupation by the Washington Maternity Convention.





No legislation on this subject is in existence in Canada. The operation of the Maternity Protection Act of British Columbia is confined to specified "industrial or commercial undertakings", not including agriculture.

In British Columbia a Royal Commission on Health Insurance and Maternity Benefits appointed in 1929 in its Interim Report, 1930, found justification and a general demand for the introduction of an economically sound and equitable public Health Insurance plan. In Quebec, a Commission is investigating the whole question of social insurance.

#### RECOMMENDATION CONCERNING NIGHT WORK OF WOMEN IN AGRICULTURE.

Members are recommended to take steps to regulate the employment of women wage-earners in agriculture during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine hours which shall when possible be consecutive.

There is no legislation on this subject in Canada. The Night Employment of Women Act of British Columbia expressly exempts agricultural workers from its scope.

#### RECOMMENDATION CONCERNING THE NIGHT WORK OF CHILDREN AND YOUNG PERSONS IN AGRICULTURE.

There is no specific legislation in Canada on this subject, but the provincial laws which make school attendance compulsory have the effect of precluding the night employment of children of school age.

#### RECOMMENDATION CONCERNING THE DEVELOPMENT OF TECHNICAL AGRICULTURAL EDUCATION.

The general subject of education, including vocational education for agricultural workers, falls within provincial jurisdiction in Canada. All of the provincial governments are participating in the development of vocational agricultural education, and in all of the provinces there is legislation providing for its continuation. The Federal Government has also granted financial assistance towards agricultural instruction. The systems of education which are in existence are available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture. (See acts enumerated under Recommendation Concerning Prevention of Unemployment in Agriculture.)

With respect to the proposal in the Recommendation that each Member of the International Labour Organization send a report to the International Labour Office at regular intervals containing as full information as possible as to the administration of the laws, the sums expended, and the measures taken in order to develop agricultural education, the Government of Canada has already forwarded reports to the International Labour Office on this subject, and will continue to furnish as full information as possible on the subject matters in question.





RECOMMENDATION CONCERNING LIVING-IN CONDITIONS OF  
AGRICULTURAL WORKERS.

This Recommendation proposes that member states take statutory or other measures to regulate the housing and accomodation of agricultural workers.

No legislation on this subject exists in Canada.

RECOMMENDATION CONCERNING SOCIAL INSURANCE IN AGRICULTURE.

This Recommendation calls on member states to endeavour to extend their laws and regulations establishing systems of insurance against sickness, invalidity, old age "and other similar social risks," to agricultural wage-earners, on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

No province in Canada has any law establishing a system of public insurance against sickness, invalidity, etc., apart from the various superannuation systems which exist in the Dominion and in the Provinces for the benefit of public employees. As regards old age insurance the Old Age Pensions Act recently adopted by the Dominion Parliament (R.S. 1927, chapter 156), provided the same benefits for agricultural workers as for other persons. This act contemplates co-operative action by the provincial legislatures, and British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island and the Yukon have passed the necessary legislation, but the New Brunswick, Nova Scotia and Prince Edward Island laws have not yet been proclaimed in force.

RECOMMENDATION CONCERNING THE APPLICATION OF THE WEEKLY REST IN  
COMMERCIAL ESTABLISHMENTS.

The object of this Recommendation, namely, the securing of a weekly rest of at least twenty-four consecutive hours for workers in industrial undertakings, is substantially met in Canada by the Lord's Day Act (Revised Statutes of Canada, 1906, chapter 153). The One Day's Rest in Seven Acts of Manitoba (1929, C. 45) and Saskatchewan (R.S. 1930, C. 255) provide for a weekly rest day for the majority of workers in those provinces.

RECOMMENDATION CONCERNING COMMUNICATION TO THE INTERNATIONAL LABOUR  
OFFICE OF STATISTICAL AND OTHER INFORMATION REGARDING EMIGRATION  
IMMIGRATION, & THE REPATRIATION AND TRANSIT OF IMMIGRANTS.

The Government of Canada concurred in this Recommendation by Order in Council passed in November, 1923, and the statistical and other information referred to is being duly communicated to the International Labour Office.



RECOMMENDATION CONCERNING THE GENERAL PRINCIPLES FOR THE ORGANIZATION  
OF SYSTEMS OF INSPECTION TO SECURE THE ENFORCEMENT OF THE  
LAWS AND REGULATIONS FOR THE PROTECTION OF THE WORKERS.

An examination of the Provincial Factory Acts shows that many of the points dealt with in this Recommendation are not covered by statutory provisions. All the laws, however, authorize the Lieutenant-Governor in Council to make regulations for carrying out the provisions of the Acts and the inspectors are given authority to exercise such power as may be necessary for carrying the Acts into effect. The Workmen's Compensation Boards of Nova Scotia, New Brunswick, Ontario, Manitoba, Alberta, Quebec, Saskatchewan, and British Columbia have the right to inspect premises.

The first section of this Recommendation proposes that where it is considered possible and desirable inspectors may be assigned additional duties provided these do not interfere with their principal duties, or prejudice their authority and that they are related to the primary object of ensuring the health and safety of workers.

The provincial laws do not either permit or forbid inspectors to undertake additional duties. The Ontario Factory Act, however, charges inspectors with the duty of assisting in the enforcement of the Stationary and Hoisting Engineers' Act and to report violations of that section of the Minimum Wage Act which requires the posting of Orders. In Alberta inspectors of the Bureau of Labour make inspections under the Acts administered by the Bureau including the Factories Act, the Minimum Wage Act and the Steam Boilers Act.

The second section contains a number of proposals regarding the powers to be conferred on inspectors. With regard to the first, namely, that inspectors should be empowered to visit establishments at any hour of the day or night and to question members of the staff without witnesses, all the provincial laws meet this requirement, although the Quebec statute does not specify as do those of the other provinces, that examination of the staff may be carried on without witnesses. Except in the Province of Quebec, where the requirements are completely met, there is no statutory provision on the next point, namely, that inspectors should be bound by oath not to reveal trade secrets, etc. In Manitoba and British Columbia, however, the inspector is not competent during his term of office, to give evidence in a civil proceeding as an expert witness or with regard to anything which has come before him in the course of his work. In Ontario the inspector, under the direction of the Attorney-General or of a member of the Executive Council, may object to giving evidence as to premises inspected by him. The next two proposals are that inspectors should be empowered to bring breaches of the laws directly before the competent judicial authorities and that, where feasible, the inspectors' reports should be taken to establish the facts stated therein in default of proof to the contrary; that inspectors should be empowered to apply to the competent authorities for an order requiring necessary alteration to plants, etc., to be made within a fixed time. On the first point there is no legislation, but with regard to the second, the Workmen's Compensation Boards of Saskatchewan, Alberta and British Columbia are empowered to make orders requiring the installation of safety devices,





etc., within a fixed time and to close the industry in case of non-compliance. The last proposal of this section is that all accidents should be notified to the competent authorities and investigated by inspectors; that inspectors should advise employers respecting standards of safety and health and encourage co-operation of employers and workers in matters affecting safety and health and should study problems relating thereto. It is further proposed that where independent accident insurance organizations exist their officers should be guided by the foregoing principles. The Factory Acts and the Workmen's Compensation Acts of all provinces require notice of accidents to be sent to the proper authorities, and the Steam Boiler Acts of British Columbia, Alberta, and Saskatchewan provide for investigation of all boiler accidents. The Industrial Establishments Act of Quebec empowers inspectors to make such suggestions as they deem advisable to the proper authorities in the interest of health and safety. They may hold inquiries and examine witnesses under oath, they may also be present at inquests on accident cases and inquiries into fires and may examine the witnesses. The workmen's compensation boards of Nova Scotia, New Brunswick, Saskatchewan, Ontario, Quebec, Manitoba, Alberta and British Columbia have authority to deal with all matters arising under the Acts. In Alberta these matters specifically include the determining of suitable safety devices and other means for preventing accidents and requirements for preventing disease, and also the making of regulations on these subjects, which shall apply to both employers and workmen. The British Columbia and Saskatchewan boards have the same powers as that of Alberta, and in addition are given authority to establish and maintain museums for the exhibition of health and safety devices; to publish bulletins on accident prevention and cause illustrated lectures to be given on the prevention of accidents and disease; and to appoint advisory committees on which employers and workmen are represented to assist the board in establishing reasonable standards of safety. In Nova Scotia, New Brunswick, Quebec, Ontario and Saskatchewan the rules of accident prevention associations, if approved by the board, become binding on employers in the industry represented in the association. The board may also make an allowance to such an association, or pay the salary and expenses of one or more inspection engineers or experts appointed by it for the purpose of accident prevention.

#### RECOMMENDATION CONCERNING THE DEVELOPMENT OF FACILITIES FOR THE UTILIZATION OF WORKERS' SPARE TIME.

The first section of this Recommendation deals with the preservation of spare time and recommends that governments should facilitate the conclusion of collective agreements which will ensure a normal standard of living in exchange for legal hours of work and the measures to be taken to prevent recourse to paid work in spare time; that the working day should be so arranged as to make periods of spare time as continuous as possible; and that well arranged transport systems should be provided with special facilities in regard to fares and time tables. The Fair Wages Policy of the Government of Canada and various provincial laws establishing minimum wages and limiting hours of labour make provision to a certain extent for the carrying out of the first and second recommendation of this section. There is no legislation on the third point and it is the opinion of the Minister of Justice that none appears necessary.





Section 2 recommends the encouragement of individual hygiene by the provision of public baths, etc. and legislation or private action against the misuse of alcohol, venereal disease and gambling. Provision is made by public authorities in the larger centres for public baths, etc.; the Canada Temperance Act and the various provincial liquor laws regulate the sale and use of alcohol. A number of provinces have by legislation established sanitoriums for the treatment of tuberculosis; and the Criminal Code contains sections designed to prevent the spread of venereal disease, and to suppress gambling.

Section 3 recommends the increase, in co-operation if necessary with public authorities, of health dwellings at low rentals.

The Housing Policy of the Government of Canada established in 1918 provides that the Dominion Government may aid the several provinces by means of loans in carrying out a general housing scheme.

The Technical Education Act of Canada and numerous provincial laws provide for the extension of technical, domestic and general education recommended in Section IV.

#### RECOMMENDATION CONCERNING EQUALITY OF TREATMENT FOR NATIONAL AND FOREIGN WORKERS AS REGARDS WORKMEN'S COMPENSATION.

The object of this Recommendation is to facilitate the payment of compensation to foreign workmen. No legislation appears to have been enacted on this subject.

#### RECOMMENDATION CONCERNING JURISDICTION IN DISPUTES ON WORKMEN'S COMPENSATION.

This Recommendation proposes representation of employers and workers on boards appointed to settle disputes relating to workmen's compensation and that where such disputes are dealt with by the courts of law such courts should be required to hear employers' and workers' representatives, as experts in cases involving questions of an occupational character especially the question of degree of incapacity. The Alberta Workmen's Compensation Act 1908 (R.S.A. 1922, C. 176) which covers a number of classes of workers exempted by the general Workmen's Compensation Act of the Province, including a number of classes of railway employees, provides for the settlement of disputes by arbitration. If committees of employers and workmen exist with power to settle such matters the question in dispute is to be settled by the arbitration of such committees unless written objection is filed by one of the parties. In case of such objection or failure of the committee to settle the matter within three months the question is to be settled by a single arbitrator agreed upon by the parties; or, in the absence of such agreement, by the Court. There are no other laws containing similar provisions.

#### RECOMMENDATION CONCERNING THE MINIMUM SCALE OF WORKMEN'S COMPENSATION.

This Recommendation proposes the following scale of compensation:- (1) In case of permanent total incapacity a periodical payment equal to two-thirds of the workman's annual earnings and in case of permanent partial incapacity a proportion of the periodical



payment payable in the case of total incapacity but calculated in reference to the reduction of earning power. In case of temporary total incapacity a daily or weekly payment equal to two-thirds of basic earnings as calculated for purposes of compensation and in case of temporary partial incapacity a proportion of the payment for temporary total incapacity calculated in reference to reduction of earning power. In case a lump sum is paid it should not be less than the capital value of the periodical payment. The laws of Ontario (R.S. 1927, C. 179 and amendments), Alberta (R.S.A. 1922, C. 177 as amended by 1928, C. 38), Manitoba (C.A. 1924, C. 209 and amendments), Quebec (1931, C. 100) and Saskatchewan (R.S. 1930, C. 253), provide in cases of total permanent incapacity for a periodical payment of  $66 \frac{2}{3}\%$  of the average earnings of the workman with a minimum payment of \$12.50 per week or average earnings in Quebec, Ontario and Saskatchewan, \$15.00 per week, or average earnings in Manitoba, and \$10 or average earnings in Alberta. British Columbia (R.S. B.C. 1924, C. 278) grants  $62\frac{1}{2}\%$  with a minimum of \$5 per week or average earnings. The Alberta law of 1908, (R.S. 1922, C. 176) which covers a number of workers not covered by the general Act including certain classes of railway employees, provides for a payment of 50% of average earnings with a maximum of \$10 per week. A workman under 21 years of age, however, earning less than \$10 per week receives 100% of earnings with a maximum of \$7.50 per week. In New Brunswick (R.S. 1927, C. 157), the allowance is 55 per cent of average earnings with a minimum of \$6 per week. In Nova Scotia (R.S. 1923, C. 129 and amendments) 60 per cent of average earnings is paid, except in the industries of fishing and dredging where 55 per cent is given. A minimum of \$5 per week or average earnings is fixed for all cases of permanent total disability. In cases of permanent partial incapacity the Saskatchewan, Manitoba, Quebec and Ontario laws provide an allowance equal to  $66 \frac{2}{3}$  per cent of the difference in the workman's earnings before and after the accident, British Columbia  $62\frac{1}{2}$  per cent, Nova Scotia 60 per cent (except in the industries of fishing and dredging where 55 per cent is paid). Under the 1908 law of Alberta the rate is the same as for total incapacity. In New Brunswick the rate is determined by the Board but may not exceed \$2,500. Cases of temporary total incapacity are, for their duration, compensable at the same rate as permanent total incapacity except in one province. In Manitoba the minimum payment in temporary cases is \$12.50 per week or average earnings. For temporary partial incapacity, Saskatchewan, Alberta, Ontario, Quebec and Manitoba allow  $66 \frac{2}{3}$  per cent of the diminution of average earnings; British Columbia  $62\frac{1}{2}$  per cent, Nova Scotia 60 per cent (except in fishing and dredging where the rate is 55 per cent), and New Brunswick 55 per cent. The 1908 law in Alberta allows the same amount as for total permanent incapacity.

Section II of the Recommendation proposes that when the injured workman requires the constant help of another person additional compensation should be paid. No provision for this contingency is made in the Canadian laws.

Section III recommends that in case of death compensation should be paid to the husband or wife of the deceased worker, to children under 18 years and to invalid children over that age and also to grandchildren and brothers and sisters within the same age





limits. It is further recommended that compensation should not be less than 66 2/3 per cent of earnings or the capital value thereof. Nova Scotia, New Brunswick, Alberta, British Columbia, Ontario, Quebec, Saskatchewan and Manitoba pay compensation to the widow, to an invalid widower and to children up to the age of 16 years, New Brunswick extending the time to 18 years in the case of girls and Manitoba and Alberta permitting the Board to pay compensation up to 18 years if considered advisable for the better education of the child. In Nova Scotia, Ontario, Manitoba, Alberta, Saskatchewan, Quebec and British Columbia invalid children receive compensation above 16 years of age. With respect to other dependants New Brunswick, Quebec, Ontario, Manitoba, Alberta, Saskatchewan and British Columbia pay compensation to such members of the family of the workman as were wholly or partially dependant upon his earnings at the time of his death, including his parents and grandparents, sisters and brothers, grandchildren and others. The 1908 law of Alberta also provides for the payment of compensation to all the dependants mentioned in the Recommendation. In Nova Scotia compensation is payable to such dependants in cases where none is paid to widow, widower or children. In Saskatchewan under the 1911 Act which still applies to certain workers not covered by the General Compensation Act, and in the Yukon, the amount of compensation is divided as the Court determines among the dependants who include such members of the workman's family as were wholly or partly dependant upon him at the time of his death; "member of the family" being defined to include wife, husband, children, parents, grandparents, grandchildren, brothers, sisters and others. Compensation in case of death in Nova Scotia, New Brunswick, Ontario, Manitoba, Alberta, Quebec, Saskatchewan and British Columbia is a fixed monthly allowance ranging from \$30 to \$40 per month for the widow and payments in respect to children ranging from \$7.50 and \$12 a month according to provinces. Orphan children receive \$15 per month in all these provinces. The 1908 law of Alberta provides for the payment of a lump sum equal to earnings for the three years preceding the injury not exceeding \$1,800. In Saskatchewan, under the 1911 Act, which applies to certain classes of workers not covered by the 1929 law, a lump sum not exceeding the estimated earnings of the workman during the three years preceding the injury is payable with a maximum of \$2,500. In the Yukon the maximum is \$2,500.

Section IV proposes that provision should be made for vocational rehabilitation of injured workmen. In Canada such provision has been made in Ontario, Manitoba, Nova Scotia, Alberta, Saskatchewan and Quebec.

#### RECOMMENDATION CONCERNING WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES.

This Recommendation proposes that provision be made for revision of lists of occupational diseases. In the laws of Nova Scotia, New Brunswick, Ontario, Manitoba, Alberta, Saskatchewan, Quebec and British Columbia an industrial disease is defined as any disease mentioned in the schedule to the Act and any other disease which by regulation is declared to be an industrial disease.





RECOMMENDATION CONCERNING THE PROTECTION OF EMIGRANT WOMEN  
AND GIRLS ON BOARD SHIP.

This Recommendation calls for the appointment of a qualified woman to take charge of women and girls on any immigrant vessels carrying fifteen or more unaccompanied women or girls. There would appear to be no legislation on this subject, but steamship conductresses are employed on all British passenger ships bringing women emigrants to Canada and afford all needed assistance.

RECOMMENDATION CONCERNING THE REPATRIATION OF  
MASTERS AND APPRENTICES.

This Recommendation calls for provision for the repatriation of masters and apprentices who are not covered by the Draft Convention on this subject. The requirements of this Recommendation, insofar as they apply to apprentices, are partly met by Sections 203-209, 215, 217 and 265-268 of the Canada Shipping Act as noted under the Draft Convention concerning Repatriation of Seamen. Section 215 provides for the repatriation of sick masters as well as seamen and apprentices, but this provision has no application in cases of shipwreck or distress.

RECOMMENDATION CONCERNING THE GENERAL PRINCIPLES FOR THE  
INSPECTION OF THE CONDITIONS OF WORK OF SEAMEN.

This Recommendation sets forth a number of general principles for the organization of systems of inspection of the conditions of work of seamen. Many of the requirements are met by the Canada Shipping Act (R.S.C. 1906, C. 113, Parts VII, VIII and IX).

RECOMMENDATION CONCERNING THE GENERAL PRINCIPLES  
OF SICKNESS INSURANCE.

This Recommendation sets forth the general principles to be considered in establishing systems of sickness insurance. There is no legislation on this subject in Canada. In British Columbia, however, a Royal Commission on State Health Insurance and Maternity Benefits and in Quebec a Commission on Social Insurance are considering the question.

RECOMMENDATION CONCERNING THE APPLICATION OF  
MINIMUM WAGE-FIXING MACHINERY.

This Recommendation, which lays down certain general principles to be followed in the creation of minimum wage-fixing machinery, is divided into four sections. The first section recommends (1) that the wages actually paid and the arrangements, if any, for their regulation, should be ascertained; and (2) that special regard be had to the trades in which women are ordinarily employed. Six Canadian provinces, Nova Scotia (1920, C. 11 and amendments), Quebec, (R.S. 1925, C. 100 and amendments), Ontario (R.S. 1927, C. 277), Manitoba, (C.A. 1924, C. 128 and amendments), Saskatchewan (R.S. 1930, C. 258 and amendments), Alberta (1925, C. 23 and amendments) and British Columbia (R.S. 1924, C. 173 and amendments), and New Brunswick (1930, C. 11) have laws providing for minimum wages for women but the



New Brunswick law has not yet been put in force. The Manitoba law applies to boys under 18 years of age as well as to women and girls. All these acts, and also the Male Minimum Wage Act of British Columbia (1929, C. 43) make provision for preliminary investigations by the Minimum Wage Boards.

The second section contains a number of proposals regarding the operation of the wage fixing body and the selection of its representatives. The first and second proposals are that the wage-fixing machinery should operate by way of investigation into the relevant conditions of the trade concerned and consultation with employers and employees in that trade and that employers and workers, through representation equal in number or of equal voting strength, should jointly take part in the deliberations and decisions of the wage-fixing body, which should also include one or more independent persons to be selected, where possible, by agreement of the two sides. The boards established under the provincial laws are empowered to make regulations for the carrying out of the Acts. The boards are all empowered to investigate conditions in the trades concerned. In Alberta, British Columbia (Women's Minimum Wage Act), Quebec, New Brunswick and Ontario the boards may summon conferences in which employers and workers are equally represented. In Alberta the chairman of the Board acts as chairman of the Conference but does not vote. In British Columbia (Women's M. W. Act) one or more disinterested persons may be summoned to the conference but may not exceed in number the representatives of either of the other parties. In Quebec a number of disinterested persons may be summoned. In Ontario and New Brunswick a disinterested person is named chairman of the conference but does not vote. The Alberta board consists of three members representing respectively employers, workers and the province at large. On the Manitoba board the employers and workers are each represented by two members with a disinterested person as chairman. The second section further suggests that workers should, as far as possible, be given a voice in the selection of their representatives, organizations of employers and employees being asked to submit names for the purpose; that the independent persons be not associated with the trade under consideration; and that wherever a considerable proportion of women are employed provision should be made for inclusion of women among the workers' representatives and one or more women among the independent persons. In British Columbia the board is empowered to make regulations governing the selection of representatives. In Quebec the employers and employees select their own representatives. In Ontario and New Brunswick the board may provide for such selection. No provision is made in any of the Acts for the representation of women in conferences but the laws of Nova Scotia, Ontario, Manitoba and Saskatchewan provide that two of the five members of the Minimum Wage Boards should be women. In British Columbia one member must be and in Quebec one member may be a woman.

Section three suggests that the wage-fixing body should take account of the necessity of the workers maintaining a suitable standard of living and that provision be made for review of the minimum rates when desired by employers or employees. The boards of Manitoba and Saskatchewan are empowered to ascertain and declare what wages are adequate to furnish the necessary cost of living to employees, and that of British Columbia (women's) is charged with the duty





of fixing such minimum wage as seems necessary or expedient for the welfare of employees. The Acts of Nova Scotia, New Brunswick, Quebec, Ontario and British Columbia (women's) provide for a review of the Minimum Wage rate on request of employers or employed. The Nova Scotia, New Brunswick, Quebec and Ontario boards may also make such reviews on their own motion.

Section four contains a number of proposals concerning the steps to be taken to ensure the payment of the minimum rates. The first proposal is that employers be required to display statements of the rates in force in accessible positions on the premises. This requirement is met by the laws of Quebec, New Brunswick, British Columbia (both Acts) and Ontario. The second proposal is that a staff of inspectors should be employed with powers analogous to those proposed for factory inspectors by the Recommendations of the 1923 Conference. This requirement is met to a certain extent by the laws of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia (both Acts). In Ontario the factory inspectors are charged with the duty of reporting violations of that section of the Act which requires orders to be posted. In Saskatchewan and Alberta the Minimum Wage laws authorized the appointment of inspectors to enforce the Act. In Manitoba the Board **must** ascertain whether employers are obeying the law. In British Columbia both Acts empower the boards to examine, either through a member of the board or a representative, the books, payroll and records of employers and obtain sworn statements as to wages and other conditions. In New Brunswick Regulations may be made under the Act requiring the employer to furnish necessary information.

The Recommendation suggests the imposition of penalties for infractions of the laws and this is done under all the Canadian laws. It is further recommended that employers be required to keep registers of their employees and the wages paid and that measures be provided for employees to recover wages due without bringing civil actions. The first of these proposals is met by the laws of Nova Scotia, Ontario, Manitoba, Saskatchewan, Alberta and both British Columbia Acts. The latter requirement is met by the provisions in the laws of Ontario, Manitoba, Saskatchewan, Alberta, New Brunswick and British Columbia (women's) that the employer shall, on conviction, be ordered to pay the employee the difference between the sum paid and the minimum wage.

#### RECOMMENDATION CONCERNING THE PREVENTION OF INDUSTRIAL ACCIDENTS.

This Recommendation applies to mines, quarries, manufactures, building, construction and transportation.

Articles 1 - 5 propose the taking of necessary steps by means of legislative or administrative action to secure enquiry into the causes and circumstances of accidents, and to ensure the collection of accident statistics, including the dangers existing in special industries, the "laws" determining the incidence of accidents, and the effect of preventive measures. It is also recommended that methodical investigation should be carried out by public services assisted where desirable by institutions or committees in the individual branches of industry; that physical, physiological and psychological factors be investigated; that research should be made.





into the best methods of vocational guidance and their practical application; that the more important results of the research undertaken be communicated to the International Labour Office, and circulated between the research organizations of the different industrial countries; and that central departments should be established to collect and collate statistics, and communicate them to the International Labour Office. The Labour Department Act (R.S. 1927, C. 111) requires the Dominion Department of Labour to collect, digest and publish in suitable form statistical and other information relating to the conditions of labour, and to institute and conduct inquiries into important industrial questions. The British Columbia (R.S. 1924, C. 125) and Ontario (R.S. 1927, C. 62) Department of Labour Acts confer wide powers as to the collection of labour statistics, inquiry into laws for the protection of workmen in other countries, and consideration and reporting upon any matters affecting the industrial classes. The Department of Labour of Quebec also has power (R.S. 1925, C. 95A as enacted by 1931, C. 19, s. 6) to collect statistics. The Bureaus of Labour in Manitoba (C.A. 1924, C. 21), and Alberta (R.S. 1922, C. 27), and the Labour Departments of Saskatchewan (1928, C. 11) and Quebec (R.S. 1925, C. 95A as enacted by 1931, C. 19, s. 6) may also institute inquiries into important industrial questions. Provisions for special investigations of accidents are contained in the Coal Mines Acts of Alberta and Nova Scotia, the Metalliferous Mines Act of the latter Province, and the Mining Act of Ontario, in the Steam Boiler Acts of Alberta, Saskatchewan and British Columbia, and in the Railway Acts of Canada, British Columbia, Nova Scotia and Ontario. The High Schools Act and the Vocational Education Act of Ontario provide for vocational guidance. Available information on accident investigations and statistics in Canada is published from month to month in the Labour Gazette which is sent to all the principal industrial countries which are members of the International Labour Organization.

Articles 6 and 7 propose co-operation of the parties interested in the prevention of industrial accidents, and periodical conferences between the state inspection services and organizations of employers and workers in each industry to consider the position as regards accidents, the effectiveness of preventive measures, and to discuss proposals for further improvement on the lines laid down by the Recommendation on systems of inspection adopted in 1923. Under the Workmen's Compensation Acts of Nova Scotia, Ontario, New Brunswick, Quebec and Saskatchewan safety regulations issued by representative employers' associations may be approved by the Boards, and are then binding on all employers in the industry. The British Columbia and Saskatchewan Boards have authority to appoint advisory committees on which employers and workmen are represented to assist the Boards in establishing reasonable standards of safety and to recommend rules and regulations. A Regulation (No. 9) of the Workmen's Compensation Board of Alberta requires every undertaking within the scope of the Act employing ten or more persons to have an accident prevention committee of not less than two members to inspect the plant, hear complaints, and make recommendations for the safety of workers.

Articles 8 - 14 propose the establishment of works safety organizations with systematic supervision of plant and machinery, organization of first aid and transport for injured workers; safety



lectures, publications, exhibitions, etc.; and the giving of safety instruction in schools. There does not appear to be any legislation requiring establishment of works safety organizations or for safety instruction in schools. All the provinces provide for transportation of the injured workmen, this being done, in the case of Nova Scotia, by Regulation, and for first aid. The laws of British Columbia and Saskatchewan authorize the Boards to arrange safety lectures, to establish museums, and to distribute pamphlets.

Articles 15 18 propose laws requiring the employer to equip and arrange his works so as to give adequate protection to the worker and to instruct him as to the dangers of the occupation; the early submission of plans of industrial establishments to the competent authority; inspectors to be empowered to give orders (subject to appeal) to the employer regarding steps to be taken to fulfil his obligation, and, in case of imminent danger, to require immediate compliance. The Mines Acts of all provinces except New Brunswick provide safeguards for workers and authorize the inspector to issue orders regarding the remedying of any dangerous conditions within the time fixed in the order. Plans of mines must be kept for inspection when required. All provincial Factory Acts also provide in some measure for the safety of persons employed. In Manitoba (R.S. 1913, C. 70, s. 52a,) and in Ontario (R.S. 1927, C. 275, s. 16) the employer must have a certificate of inspection and an operating permit before operating a factory for the first time. In Ontario (R.S. 1927, C. 275, s. 15), Quebec (Regulation 2 under R.S. 1925, C. 182) and Nova Scotia (R.S. 1923, C. 160, s. 34, as enacted by 1931, C. 45, s. 2) the employer must submit plans to the inspector before a factory is occupied, and in Alberta (1926, C. 52, s. 11) he may be required to do so.

Article 19 propose legislation requiring the worker to comply with the regulations on accident prevention and to refrain from removing safety devices, and to learn the use of them properly. There does not appear to be any legislation in Canada directing the worker to observe safety rules. The Coal Mines Regulation Act of Nova Scotia (1927, C. 1) provides a penalty for any person damaging or interfering with rescue or first-aid equipment or appliances.

Articles 20 and 21 propose that before accident prevention regulations are drawn up, opportunity should be given to organizations of employers and workers to submit their views; and that legal or administrative provision should be made for associating the workers in the work of securing the observance of safety regulations such as appointment of workers on inspection service, authorizing workers to call for a visit of inspection or to see the inspector on his visits, and the establishment of safety committees including workers representatives. The Coal Mines Regulation Acts of Nova Scotia (1927, C. 1, s. 33) and Alberta (1930, C. 24, s. 87, r. 2) provide that the workmen employed in a mine may at their own cost appoint two persons with not less than five years experience as practical working miners to inspect the mine. Persons so appointed must be allowed at least once in every month, to inspect every part of the mine, and be afforded every facility for so doing. Their reports are to be recorded in a book kept at the mine for the purpose. The Workmen's Compensation Boards of several provinces as noted above under articles 6 and 7, work with employers' association in the task of issuing safety rules.





RECOMMENDATION CONCERNING RESPONSIBILITY FOR THE PROTECTION  
OF POWER-DRIVEN MACHINERY.

This Recommendation proposes the prohibition by law of the supplying or installation of power driven machinery unless it is furnished with the required safety appliances. In New Brunswick (1931, C. 53, s. 4), Quebec (R.S. 1925, C. 178, s. 10), Ontario (R.S. 1927, C. 57, s. 80), Manitoba (1931, C. 37, s. 18), Saskatchewan (R.S. 1930, c. 214, s. 11); Alberta (R.S. 1922, c. 192, s. 3 as enacted by 1929, c. 27, s. 2) and British Columbia (R.S. 1924, c. 77, s. 14), power is given to the Lieutenant-Governor in Council, or to the authority administering the Act with the approval of the Lieutenant-Governor in Council, to make regulation prohibiting the installation, sale, etc. of electrical equipment which has not been duly approved. In Quebec the law applies only to equipment and installation in buildings and structures.

RECOMMENDATION CONCERNING RECIPROCITY AS REGARDS THE PROTECTION  
AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR  
UNLOADING SHIPS.

This Recommendation proposes reciprocal agreements between members ratifying the convention concerning the protection against accidents of workers employed in loading or unloading ships. No action has as yet been taken by Canada in this question.

RECOMMENDATION CONCERNING THE CONSULTATION OF WORKERS' AND EMPLOYERS'  
ORGANIZATIONS IN THE DRAWING UP OF REGULATIONS DEALING WITH  
THE SAFETY OF WORKERS EMPLOYED IN LOADING OR UNLOADING  
SHIPS.

There does not appear to have been any action taken by Canada on this question.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN HOTELS,  
RESTAURANTS AND SIMILAR ESTABLISHMENTS.

This Recommendation proposes that investigation be made of existing conditions as to hours of work of persons employed in hotels, restaurants, boarding houses, clubs, cafes, and similar establishments exclusively or mainly engaged in providing board and lodging, or supplying refreshments for consumption on the premises, this investigation to be made, whether statutory legislation exists or not, with a view to extending the application of the rules laid down in the Draft Convention concerning the regulation of hours of work in commerce and offices to as many classes of establishments as possible, including hotels, restaurants, etc. The only regulation of hours of employment in hotels, restaurants, etc., in Canada is effected through orders of the Minimum Wage Boards of several provinces, and applies to women only, except in Manitoba where boys under 18 are included. These Boards have authority to review or alter orders issued. Laws providing for a weekly rest-day in Manitoba, Saskatchewan, Ontario and Quebec apply to hotel employees.

In Alberta the Factories Act applies to hotels, restaurants, etc., in cities and towns having a population of 5,000 and over.





This Act limits the working hours of all persons to nine per day and fifty-four per week, except when exemption is granted by an inspector for reasons of occupation, trade, accident or other necessity.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN  
THEATRES AND OTHER PLACES OF AMUSEMENT.

This Recommendation calls for investigation similar to that proposed above in the case of hotel and restaurant employees, and the statement regarding Canadian legislation made above applies to the present Recommendation, except the reference to the Alberta Factories Act.

RECOMMENDATION CONCERNING THE REGULATION OF HOURS OF WORK IN  
ESTABLISHMENTS FOR THE CARE OF THE SICK, INFIRM,  
DESTITUTE OR MENTALLY UNFIT.

This Recommendation calls for action similar to that proposed in the Recommendation on Hours of Work in Hotels, etc. No action appears to have been taken in Canada to regulate hours of labour in establishments for the care of the sick, etc.

RECOMMENDATION CONCERNING INDIRECT COMPULSION TO LABOUR.

The object of this Recommendation is to suggest principles which would prevent indirect compulsion to labour, apart from that normally exerted by economic forces, by populations in primitive territories. The conditions which this Recommendation seeks to remedy do not arise in Canada.

RECOMMENDATION CONCERNING THE REGULATION OF FORCED OR COMPULSORY  
LABOUR.

There is no forced or compulsory labour in Canada other than that noted under the Draft Convention on this subject.













